

AMENDED IN SENATE JULY 3, 2012  
AMENDED IN SENATE JUNE 13, 2012  
AMENDED IN ASSEMBLY MARCH 29, 2012  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1656**

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**Introduced by Assembly Member Fong**

February 13, 2012

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An act to amend Sections 66701, 66703, *and* 66704.5, ~~and 66706~~ of the Government Code, relating to San Francisco Bay.

LEGISLATIVE COUNSEL'S DIGEST

AB 1656, as amended, Fong. San Francisco Bay Restoration Authority.

(1) The San Francisco Bay Restoration Authority Act establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law repeals the act on January 1, 2029.

~~This bill would extend the repeal of the act until January 1, 2036. Because the act imposes additional duties on local governmental agencies relating to the membership of the governing board of the authority, the extension of the act by this bill would impose a state-mandated local program.~~

~~(2) The~~

*The* act establishes a governing board of the authority composed of specified local and regional governmental officials, including one member who is an elected official of a bayside city or county in the East Bay, which is defined as consisting of the portion of Contra Costa

County that is west of the City of Pittsburgh and a specified portion of Alameda County.

This bill would revise that definition of the East Bay, for purposes of that appointment, to provide that it consists of the whole Contra Costa County, as well as that specified portion of Alameda County, excluding the Delta primary zone, as defined.

~~(3)~~

(2) The act authorizes the authority to raise funds and award grants to public and private entities for eligible projects, including projects that, among other things, restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the San Francisco Bay shoreline. The act defines the term “San Francisco Bay Area” as including a specified area within the State Coastal Conservancy’s San Francisco Bay Area Conservation Program.

This bill would revise that requirement to instead make eligible projects that restore, protect, or enhance tidal wetlands, managed ponds, or natural habitat on the shoreline in the San Francisco Bay Area, excluding the Delta primary zone.

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 66701 of the Government Code is
- 2 amended to read:
- 3 66701. Unless the context otherwise requires, the following
- 4 definitions govern the construction of this title:
- 5 (a) “Advisory committee” means the Bay Restoration Advisory
- 6 Committee convened by the governing board of the San Francisco
- 7 Bay Restoration Authority pursuant to Section 66703.7.
- 8 (b) “Authority” means the San Francisco Bay Restoration
- 9 Authority established as a regional entity pursuant to Section
- 10 66702.

1 (c) “Bayside city or county” means a city or county with a  
2 geographical boundary that touches San Francisco Bay, and  
3 includes the City and County of San Francisco.

4 (d) “Board” means the governing board of the San Francisco  
5 Bay Restoration Authority created pursuant to Section 66703.

6 (e) “Delta primary zone” means the area described in Section  
7 29728 of the Public Resources Code.

8 (f) “Elected official” means an elected member of a city council  
9 or an elected member of a county board of supervisors.

10 (g) “Member” means a person appointed as a member of the  
11 governing board of the San Francisco Bay Restoration Authority  
12 pursuant to Section 66703.

13 (h) “San Francisco Bay” means the area described in subdivision  
14 (a) of Section 66610.

15 (i) “San Francisco Bay Area” means the area within the State  
16 Coastal Conservancy’s San Francisco Bay Area Conservancy  
17 Program created pursuant to Chapter 4.5 (commencing with Section  
18 31160) of Division 21 of the Public Resources Code and includes  
19 the Counties of Alameda, Contra Costa, Marin, Napa, San  
20 Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

21 SEC. 2. Section 66703 of the Government Code is amended  
22 to read:

23 66703. (a) The authority shall be governed by a board  
24 composed of seven voting members, as follows:

25 (1) One member shall be a resident of the San Francisco Bay  
26 area with expertise in the implementation of Chapter 4.5  
27 (commencing with Section 31160) of Division 21 of the Public  
28 Resources Code and shall serve as the chair.

29 (2) One member shall be an elected official of a bayside city or  
30 county in the North Bay. For purposes of this subdivision, the  
31 North Bay consists of the Counties of Marin, Napa, Solano, and  
32 Sonoma.

33 (3) One member shall be an elected official of a bayside city or  
34 county in the East Bay. For purposes of this subdivision, the East  
35 Bay consists of Contra Costa County and the portion of Alameda  
36 County that is north of the southern boundary of the City of  
37 Hayward, excluding the Delta primary zone.

38 (4) One member shall be an elected official of a bayside city or  
39 county in the South Bay. For purposes of this subdivision, the  
40 South Bay consists of Santa Clara County, the portion of Alameda

1 County that is south of the southern boundary of the City of  
2 Hayward, and the portion of San Mateo County that is south of  
3 the northern boundary of Redwood City.

4 (5) One member shall be an elected official of a bayside city or  
5 county in the West Bay. For purposes of this subdivision, the West  
6 Bay consists of the City and County of San Francisco and the  
7 portion of San Mateo County that is north of the northern boundary  
8 of Redwood City.

9 (6) Two members shall be elected officials of one or more of  
10 the following:

11 (A) A bayside city or county.

12 (B) A regional park district, regional open-space district, or  
13 regional park and open-space district formed pursuant to Article  
14 3 (commencing with Section 5500) of Chapter 3 of Division 5 of  
15 the Public Resources Code that owns or operates one or more San  
16 Francisco Bay shoreline parcels.

17 (b) The Association of Bay Area Governments shall appoint  
18 the members.

19 (c) Each member shall serve at the pleasure of his or her  
20 appointing authority.

21 (d) A vacancy shall be filled by the Association of Bay Area  
22 Governments within 90 days from the date on which the vacancy  
23 occurs.

24 SEC. 3. Section 66704.5 of the Government Code is amended  
25 to read:

26 66704.5. (a) The authority may raise funds and award grants  
27 to public and private entities, including, but not limited to, owners  
28 or operators of shoreline parcels in the San Francisco Bay area,  
29 excluding the Delta primary zone, for eligible projects in the  
30 counties within the authority’s jurisdiction.

31 (b) An eligible project shall do at least one of the following:

32 (1) Restore, protect, or enhance tidal wetlands, managed ponds,  
33 or natural habitats on the shoreline in the San Francisco Bay area,  
34 excluding the Delta primary zone.

35 (2) Build or enhance shoreline levees or other flood management  
36 features that are part of a project to restore, enhance, or protect  
37 tidal wetlands, managed ponds, or natural habitats identified in  
38 paragraph (1).

39 (3) Provide or improve public access or recreational amenities  
40 that are part of a project to restore, enhance, or protect tidal

1 wetlands, managed ponds, or natural habitats identified in  
2 paragraph (1).

3 (c) In awarding grants pursuant to subdivision (a), the authority  
4 shall give priority to projects that, to the greatest extent possible,  
5 meet the selection criteria of the State Coastal Conservancy's San  
6 Francisco Bay Area Conservancy Program in accordance with  
7 subdivision (c) of Section 31163 of the Public Resources Code,  
8 and are consistent with the San Francisco Bay Conservation and  
9 Development Commission coastal management program for the  
10 San Francisco Bay segment of the California coastal zone and the  
11 San Francisco Bay Joint Venture implementation strategy updated  
12 list of Ongoing and Potential Wetland Habitat Projects.

13 (d) In reviewing and assessing projects, the authority shall solicit  
14 input from the advisory committee convened pursuant to Section  
15 66703.7. The authority shall adopt a procedure for evaluating  
16 proposals in consultation with the advisory committee.

17 (e) Grants awarded pursuant to subdivision (a) may be used to  
18 support all phases of planning, construction, monitoring, operation,  
19 and maintenance for projects that are eligible pursuant to  
20 subdivision (b).

21 ~~SEC. 4. Section 66706 of the Government Code is amended~~  
22 ~~to read:~~

23 ~~66706. This title shall remain in effect only until January 1,~~  
24 ~~2036, and as of that date is repealed, unless a later enacted statute,~~  
25 ~~that is enacted before January 1, 2036, deletes or extends that date.~~

26 ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
27 ~~Section 6 of Article XIII B of the California Constitution because~~  
28 ~~a local agency or school district has the authority to levy service~~  
29 ~~charges, fees, or assessments sufficient to pay for the program or~~  
30 ~~level of service mandated by this act, within the meaning of Section~~  
31 ~~17556 of the Government Code.~~

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